

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Conditional Use)

Permit by: PacificCorp.)

ORDER

CASE NUMBER CUP 39-98

1. NATURE OF THE REQUEST

The applicant, PACIFICCORP has applied for a permit to build a 5.47 mile 69/115 power transmission line and substation on a portion of land between the junctions of Hwy 140 and 66 which is Zoned EFU-CG and FR. This request was heard by the hearings officer June 5, 1998, and again August 7, 1998. The request was reviewed for conformance with Klamath County Land Development Code Article 55.2 and 54.

2. NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony as did two other witnesses. The planning department was represented by Kim Lundaht. The recording secretary is Karen Burg.

3. LOCATION OF PROPERTY

The property in question is fully described in section 2 of the CUP application

4. MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the written and oral testimony given June 5, 1998 and August 7, 1998, the letters from the applicant of June 10 and July 14, and the site visit conducted by the hearings officer after notice to the parties and all present at the hearing and with the consent of the applicant. None of the parties were present at the site visit and no testimony was taken there, it was only a visual inspection of the substation portion of the project.

The application also contained a number of reports which were considered by the hearings officer and found to be helpful and well done.

5. FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a. The development of this type of structure/use is not included in the permitted uses for this zoning, however the LDC permits transmission lines and substations subject to certain findings.
- b. Approval of the requested structures will not create conditions or circumstances that are contrary to the purposes or intent of county planning laws given the ordered mitigations.
- c. Active resource use has occurred on the subject property and the adjacent properties. The hearings officer observed that the section of property where the proposed substation would be located was being actively used for agriculture, specifically there were cattle grazing there when observed.
- d. The location of a expanded transmission line and substation as ordered on the parcel will not destabilize the existing land use pattern of the area.
- e. Road access is sufficient.
- f. The applicant represented that no trees would be disturbed or removed to implement this project.

- g. The hearings officer expressed concern over the impact of the substation and the size of the transmission poles on the agricultural nature of the property at the August 7, 1998 hearing the applicant was able to propose adequate mitigation measures to address this concern and to at least partially address the concerns raised by the witnesses.

8. ORDER

Therefore, it is hereby ordered that the applicants request to develop a 39/115 power transmission line and substation as set forth in the applicant's proposal is approved subject to the following conditions:

- a. No work on the power line shall commence until the wastewater force main is in place.
- b. Extreme caution shall be exercised during all phases of the project so as to avoid damaging the wastewater force main.
- c. No existing trees shall be cut for this project however, ANSI specifications for tree trimming shall be maintained or exceeded during and after construction.
- d. All activities shall be conducted in such a manner as to keep soil erosion to an absolute minimum.
- e. That a qualified landscape architect be hired to develop a mitigation plan which will provide significant visual screening of the substation. That this screening focus on the west or Running Y side of the substation and to the extent feasible on the front or road side.
- f. That all possible use shall be made of native or compatible vegetation for any visual mitigation and that this mitigation be harmonious with the native/natural look of the area.
- g. That any plants or trees which are used in the mitigation be maintained for 3 years after the mitigation project has been completed.
- h. That the applicant make an attempt to work with the All American Byway committee to maintain the plants after this 3 year period and to design the initial plantings.
- i. That non-glare materials be used throughout the construction project when feasible, especially on the transmission and distribution lines.
- j. That the poles which are selected take the visual impacts into account, be as short as possible, and be selected for color to blend in as much as is feasible.
- k. That the road access to the substation be limited to one access point as discussed at the hearing of August 7, 1998.
- l. That the transmission and distribution lines be located in existing utility corridors whenever feasible and that they be located along the same line as existing and proposed for the stretch between Hwy 140 and Lakeshore.

Dated this 10th day of August, 1998

Joan Marie Michelsen
Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

ORDER - 2

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of Klamath County the 11th day of August A.D., 19 98 at 3:58 o'clock P.M., and duly recorded in Vol. M98 of Deeds on Page 29533.

FEE

No Fee

Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk